

Exhibit J

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STACIE RAY, et al.

Plaintiffs,

v.

**STEPHANIE MCCLOUD, Director, Ohio
Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge: Michael Watson
Magistrate Judge: Chelsey Vascura

DECLARATION OF MALITA PICASSO

Pursuant to 28 U.S.C. 1746

I, Malita Picasso, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am above the age of 18, I am competent to testify, and I have personal knowledge of the matters contained in this declaration.
2. I am a Legal Fellow at the national American Civil Liberties Union (national ACLU), and I represent Plaintiffs in this litigation.
3. The national ACLU is a nationwide non-profit organization that relies upon the contributions of its members and supporters, and in part upon attorney fees incurred in litigation, to fund its operations.
4. I am licensed to practice law in New York and I have been since March 4, 2020.
5. On January 8, 2021, the Court granted me leave to appear *pro hac vice* as Co-Counsel in this matter. *Ray v. Director, Ohio Department of Health*, 2:18-cv-00272-MHW-CMV, ECF 83 (S.D. Ohio Jan. 8, 2021) (notation order granting

motion for leave to appear *pro hac vice*).

6. I have experience working on complex constitutional and other federal civil rights litigation similar to the work I performed in this lawsuit.
7. My resume detailing my professional qualifications is attached to this Declaration as Exhibit J-1.
8. My hours expended working on this case are attached to this Declaration as Exhibit J-2.
9. The time expended and costs incurred have been reasonable, and the records submitted are an accurate reflection of the time I expended in this case. I documented my time in six-minute increments.
10. I exercised billing judgment to prepare these time records. For example, I did not list time for many small tasks or for any tasks that did not take at least six minutes to complete.
11. The reasonable hourly rate for my work is \$200.
12. I am using a fair market rate for my time, compared to local rates for an attorney who graduated in 2019 and practices in this field. The rate I am seeking compensation for is lower than the rate I would regularly use in my typical practice region of New York City, which is \$325. These conclusions are based in part on the guidance published by the Ohio State Bar Association, attached to the Fee Petition in this case as Exhibit A.
13. The lodestar figure for my work on this case, determined by multiplying my reasonable hours expended by my reasonable rate, is $17.5 \times 200 = \mathbf{\$3,500}$.

Dated: February 1, 2021

By: /s/ Malita Picasso
Malita Picasso (5750013)

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